

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL SIMPSON,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-20-985-C
)	
JIMMY MARTIN, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights while incarcerated in the Oklahoma prison system. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Report and Recommendation (“R&R”) on June 30, 2021. In the R&R Judge Purcell recommended Defendants’ Motion to Dismiss be converted to a Motion for Summary Judgment and recommended that judgment be granted in favor of all Defendants based on Plaintiff’s failure to demonstrate he had exhausted all available administrative remedies. Plaintiff filed an Objection to the R&R.

The facts and law are accurately set out in the R&R and there is no purpose to be served in repeating them yet again. Even after considering the Affidavit and Exhibits filed in conjunction with Plaintiff’s Objection to the R&R, it is clear that he has failed to exhaust available administrative remedies and therefore judgment will be entered for Defendants.

See 42 U.S.C. § 1997e(a). Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 39). Defendants' Motion to Dismiss (Dkt. No. 33) is converted to a Motion for Summary Judgment and is GRANTED. A separate judgment shall issue.

IT IS SO ORDERED this 6th day of August, 2021.



ROBIN J. CAUTHRON
United States District Judge